

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: EOT-35170 – EXTENSION OF TIME – SPECIAL USE PERMIT
– APPLICANT: YESHIVA DAY SCHOOL OF LAS VEGAS - OWNER: VILLAGE
SQUARE SHOPPING CENTER**

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. This Special Use Permit (SUP-29448) shall expire on October 15, 2010 unless another extension of time is approved by the City Council.
2. Conformance to the conditions of approval of Special Use Permit (SUP-29448) and all other site related actions as required by the Planning and Development Department and Department of Public Works.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting an Extension of Time of a previously approved Special Use Permit (SUP-29448) for a proposed Private School, Primary within an existing shopping center located at 9420 West Sahara Avenue, Suite 201. The subject site is currently being used for administrative offices only, as an application for a license for a Private School (S02-01132) was denied on 12/09/08 for failure to meet fire department requirements. City records show no history of building permits for tenant improvements or a certificate of occupancy issued for a school. In January, Code Enforcement staff found the school operating without having properly converted the structure to school use. State of Nevada licensing records show a Yeshiva Day School of Nevada having an active State License for 1122 East Charleston Boulevard, which is a vacant building that was formerly the Huntridge Theater.

Staff from the Business Licensing division conducted a site inspection on July 16, 2009, and found that the subject facility appeared to be operating as a school, but confirmation could not be established as the facility was closed; therefore, a certified letter is being sent to the applicant prohibiting the operation of a school at the subject site until all City code and licensing requirements have been met.

The applicant is requesting a one-year extension of time to allow the school additional time to meet fire and building department requirements. Staff is recommending approval of this request.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/15/89	The City Council approved a request for Rezoning (Z-0139-88) from N-U (Non-Urban) under Resolution of Intent to R-PD4 (residential Planned Development- 4 Units per Acre), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-V (Civic) to R-PD7 (Residential Planned Development- 7 Units per Acre), R-3 (Medium Density Residential), and C-1 (Limited Commercial) of property located on the west side of Fort Apache Road between Sahara Avenue and Charleston Boulevard. The Planning Commission recommended approval on 01/12/89.

11/09/98	The City Council approved a request for a Special Use Permit (U-0115-98) for a Supper Club in conjunction with a proposed 8,802 square-foot Restaurant on property located north of Sahara Avenue, west of Fort Apache Road. The Planning Commission recommended approval on 10/08/98.
10/01/03	The City Council approved a Special Use Permit (SUP-2768) for a Restaurant with Service Bar at 9410 West Sahara Avenue. The Planning Commission recommended approval on 08/28/03.
08/18/04	The City Council approved a request for a Site Development Plan Review (SDR-4639) for a 57,092 square-foot retail/commercial building (Pad "P") with a waiver of commercial standards for three feet of foundation landscaping where six feet is required. The Planning Commission recommended approval on 07/22/04.
02/15/06	The City Council approved a request for a Special Use Permit (SUP-10406) for a Restaurant with Service Bar at 9440 West Sahara Avenue. The Planning Commission recommended approval on 01/12/06.
04/19/06	The City Council approved a request for a Review of Condition (ROC-12097) Number 2 and 4 of a previously approved Site Development Plan Review (SDR-4639) to allow a zero-foot foundation landscape buffer where three feet was allowed and shown on approved plans for a 57,092 square-foot retail/commercial building.
07/12/06	The City Council approved a request for a Variance (VAR-12102) to allow 2,404 parking spaces, where 2,440 is the minimum number of spaces required in conjunction with the addition of a 1,200 square-foot Restaurant within an existing shopping center. The Planning Commission recommended approval on 06/08/06.
10/15/08	The City Council approved a request for a Special Use Permit (SUP-29448) for a proposed Private School, Primary at 9420 West Sahara Avenue, Suite 201. The Planning Commission recommended approval on 09/25/08.
01/26/09	A Code Enforcement case (73991) was processed for Yeshiva Day School of Las Vegas operating from a single-family residence. Code Enforcement closed the case on 02/04/09.
<i>Related Building Permits/Business Licenses</i>	
12/16/08	A business license (B20-01560) was issued for Administrative Offices for a Private School at 9420 West Sahara Avenue, Suite 201.
All city records for building permits at 9420 West Sahara Avenue, Suite 201 are for a previous title company. City records show no history of tenant improvements/certificate of occupancy for a school.	

<i>Pre-Application Meeting</i>
A pre-application meeting is not required for this type of application, nor was one held.
<i>Neighborhood Meeting</i>
A neighborhood meeting is not required for this type of application, nor was one held.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	36.5

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Offices with a Proposed School, Primary	SC (Service Commercial)	C-1 (Limited Commercial)
North	Retail Establishments and Tavern	SC (Service Commercial)	C-1 (Limited Commercial)
South	Retail Establishment	SC (Service Commercial)	C-1 (Limited Commercial)
East	Shopping Center	SC (Service Commercial)	C-1 (Limited Commercial)
West	Apartments	M (Medium Density Residential)	R-3 (Medium Density Residential)

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Peccole Ranch	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

ANALYSIS

This is the first request for an Extension of Time for a previously approved Special Use Permit (SUP-29448) for a proposed Private School, Primary at 9420 West Sahara Avenue, Suite 201. Since the approval of the Special Use Permit (SUP-29448), the applicant has not been issued a building permit, certificate of occupancy, or business license to operate a school. Title 19.18.060 deems a Special Use Permit exercised upon the approval of a business license for the activity, if required, or upon the issuance of a certificate of occupancy or approval of a final inspection.

FINDINGS

Title 19.18.060 requirements to exercise the entitlements of the Special Use Permit (SUP-29448) have not yet been met. The applicant is requesting a one-year extension of time to allow the school additional time to meet fire and building department requirements. Staff is recommending approval of this request.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED N/A

ASSEMBLY DISTRICT N/A

SENATE DISTRICT N/A

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0